

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135H.10, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 41, “Psychiatric Medical Institutions for Children (PMIC),” Iowa Administrative Code.

Chapter 41 is being amended to make restraint standards in PMICs consistent between the Department of Inspections and Appeals (DIA) and the Department of Education. DIA received this request from a citizen concerned about the use of prone restraints. DIA has met with the trade association and PMICs and has received no opposition to the prohibition of prone restraints.

Any interested person may make written suggestions or comments on this proposed amendment on or before April 27, 2010. Such written materials should be sent to Steven Mandernach, Administrative Rules Coordinator, Department of Inspections and Appeals, 321 E. 12th Street, Third Floor, Lucas State Office Building, Des Moines, Iowa 50319. Comments may be sent by fax to (515)242-6863 or by E-mail to steven.mandernach@dia.iowa.gov.

This amendment is intended to implement Iowa Code sections 135H.4 and 135H.5.

The following amendment is proposed.

Adopt the following new rule 481—41.17(135H):

481—41.17(135H) Additional provisions concerning physical restraint. If a PMIC uses a physical restraint, the following provisions shall apply:

41.17(1) No employee shall use any prone restraints. For the purposes of this rule, “prone restraints” means those in which an individual is held face down on the floor. Employees who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint.

41.17(2) No employee shall use any restraint that obstructs the airway of any resident.

41.17(3) If an employee physically restrains a resident who uses sign language or an augmentative mode of communication as the resident’s primary mode of communication, the resident shall be permitted to have the resident’s hands free of restraint for brief periods, unless an employee determines that such freedom appears likely to result in harm to self or others.

This rule is intended to implement Iowa Code sections 135H.4 and 135H.5.